

Exhibit 31

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through
MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY
on behalf of its members, SHAKETA REDDEN,
DORETHEA FRANKLIN, TANIQUA SIMMONS, DE'JON HALL,
JOSEPH BONDS, CHARLES PALMER, SHIRLEY SARMIENTO,
EBONY YELDON, and JANE DOE,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

-vs-

CITY OF BUFFALO, N.Y., BYRON B. BROWN,
Mayor of the City of Buffalo, in his individual and
official capacities,
BYRON C. LOCKWOOD, Commissioner of the
Buffalo Police Department, in his individual
and official capacities,
DANIEL DERENDA, former Commissioner of the
Buffalo Police Department, in his individual capacity,
AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI,
ROBBIN THOMAS,
UNKNOWN SUPERVISORY PERSONNEL 1-10,
UNKNOWN OFFICERS 1-20, each officers of the
Buffalo Police Department,
in their individual capacities,

Defendants.

1 was specifically taught to us up front, so when I
2 did find out about it, then I did use -- I did do
3 it.

4 Q. So there were times that you decided to issue
5 someone a warning instead of a ticket, right?

6 A. Yes.

7 Q. Okay. And -- strike that. How many tinted
8 windows tickets would you usually issue during a
9 single stop?

10 MR. SAHASRABUDHE: Objection to form.

11 THE WITNESS: As many windows were tinted.

12 BY MS. TEFFT:

13 Q. Were you aware of any formal policy when you were
14 in the housing unit about how many tickets to
15 issue for tinted windows at a single stop?

16 A. I don't believe there was a policy.

17 Q. So it was your understanding that you could issue
18 one tinted window ticket per window during a
19 single stop, so amounting to four or more tinted
20 windows tickets?

21 A. That's New York State law. There is a ticket for
22 the front window being tinted, there is a ticket
23 for the front -- excuse me. The windshield, when

1 Q. Do you recall what they trained you on about
2 these subjects?

3 A. I don't.

4 Q. Is this training that took place at the academy?

5 A. Yes.

6 Q. Was there also training that took place within
7 the BPD after you left the academy?

8 A. Yes.

9 Q. Can you -- so what was the training at the
10 academy about?

11 A. That was several years ago.

12 Q. So do you not remember anything about that
13 training?

14 A. Probably not. Not much.

15 Q. What about the training that you received at the
16 BPD, when was the first time you received BPD
17 training outside of the academy about racial
18 profiling or racial bias?

19 A. I don't recall.

20 Q. Do you recall learning the definition of racial
21 bias during that training?

22 A. Obviously not.

23 Q. Do you recall learning the definition of racial

1 bias in the academy?

2 A. Obviously not.

3 Q. Do you recall getting more than one training at
4 the BPD outside of the academy on racial bias and
5 racial profiling?

6 A. Yes.

7 Q. How frequently were you getting these trainings?

8 A. I think they're yearly or biyearly.

9 Q. Do these trainings have the same content or does
10 it change year to year?

11 A. I think it's the same.

12 Q. And even though you've had all of this training,
13 you have no ability to describe what racial bias
14 is, as we sit here today?

15 MR. SAHASRABUDHE: Objection to form.

16 THE WITNESS: I just can't spit out the definition.

17 BY MS. TEFFT:

18 Q. Is targeting high crime areas for traffic
19 enforcement racially biased in your opinion?

20 MR. SAHASRABUDHE: Objection to form.

21 THE WITNESS: Is targeting high crime areas -- I
22 don't know.

23 BY MS. TEFFT:

1 significantly, the average number of tinted
2 windows tickets you wrote per stop stayed
3 relatively high at three point three six tickets
4 per incident. Do you see that?

5 A. Yes.

6 Q. Was that in spite of the instructions you
7 received from your supervisor to not issue more
8 than one tinted window ticket per stop?

9 A. I don't know. It's an average.

10 Q. And then even up until the first half of 2020,
11 you were issuing tinted windows tickets at an
12 average of three point four tickets per stop,
13 right?

14 A. I guess that's what that means.

15 Q. So why did you continue to issue a high volume of
16 tickets, tinted windows tickets, in a single stop
17 even after you got instructions from your
18 supervisors to limit your tinted windows tickets
19 to one ticket per stop?

20 A. I don't know.

21 Q. You have no explanation for why you continued to
22 issue multiple tinted windows tickets during a
23 single stop despite instructions from your

1 supervisors?

2 A. Probably because the supervisors changed,
3 probably because usually when we got verbal
4 directives it was only a part-time directive, and
5 it wasn't in the MOP, and I wasn't violating any
6 New York State law, CPL law. I'm allowed to give
7 tickets for every window, so --

8 Q. When you say it was a part-time directive, do you
9 mean like a temporary directive?

10 A. Sometimes they were temporary directives, so --

11 Q. Was it your understanding that the directive to
12 only issue one tinted window ticket per stop was
13 a temporary directive at the time that it was
14 issued?

15 A. I don't know what kind of directive it was.
16 Because, like I said, it wasn't like -- I don't
17 believe it was like a pure like -- I didn't think
18 it was a pure mandated directive. I pretty much
19 thought it was because -- I believe it was only
20 given verbally. It was just like hey, knock it
21 off. Kind of given in those terms, so --

22 Q. So you don't recall receiving a written directive
23 to stop issuing multiple tickets per stop?

1 A. Correct.

2 Q. And you didn't think that that directive was
3 binding on you?

4 A. I didn't know if it was a binding directive, like
5 I said, or just something to be a temporary stop
6 pissing people off type thing.

7 Q. Did you regard other directives that you got from
8 your supervisors as not binding on you?

9 A. No. Like I said, sometimes things were -- like
10 sometimes things were temporary, and sometimes
11 things were supposed to be done, and a lot of
12 times those directives that were given in a
13 non-formal way came from supervisors, and
14 especially if those supervisors left, and then it
15 was never said by the new supervisor, sort of
16 assumed that it was the old supervisor's
17 directive, thought.

18 Q. Did you have -- strike that. How did you usually
19 tell the difference between a permanent directive
20 and a temporary directive?

21 A. It was an order given by the commissioner or the
22 deputy police commissioner -- actually, if it was
23 given by the deputy police commissioner or

1 anybody below, it still came off of the
2 commissioner's whatchamacallit, like a
3 memorandum, his stationary, you know what I mean,
4 it was a pure thing that was given, not something
5 just said verbally in passing or verbally at a
6 briefing.

7 Q. Do you recall receiving any written directives
8 from the commissioner or deputy commissioner with
9 regards to the number of tinted window tickets
10 that you should issue during a single stop?

11 A. I do not.

12 Q. You don't recall whether you received it or you
13 don't recall receiving anything at all?

14 A. Both.

15 Q. Okay. I'm going to show you another document.
16 Can you see this okay?

17 A. Yeah.

18 Q. I'm going to mark as Tedesco Exhibit 17, a chart
19 compiling your ticketing records form 2013 until
20 2022. And this is a tabulation from a
21 combination of TraCS data and ticket data on
22 Buffalo's open data website, and you can just
23 take a second to familiarize yourself with what's

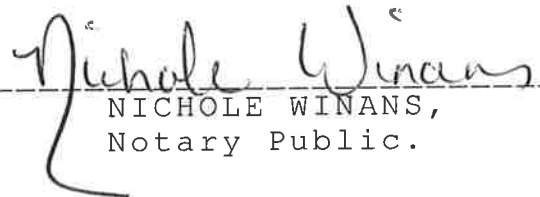
1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4
5 I, Nichole Winans, a Notary Public in and
6 for the State of New York, County of Erie, DO
7 HEREBY CERTIFY that the testimony of JUSTIN
8 TEDESCO was taken down by me in a verbatim manner
9 by means of Machine Shorthand, on July 11, 2023.
10 That the testimony was then reduced into writing
11 under my direction. That the testimony was taken
12 to be used in the above-entitled action. That
13 the said deponent, before examination, was duly
14 sworn by me to testify to the truth, the whole
15 truth and nothing but the truth, relative to said
16 action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.

20
21 
22 NICHOLE WINANS,
23 Notary Public.